

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Mediation Process

1. DISPUTED CHILD CUSTODY OR VISITATION

If you and the other party cannot agree upon the amount of time that the child will spend with each of you, California law requires you and the other party to participate in *mediation* concerning the disputed issues. Mediation is an informal process during which parties meet separately and together with a mediator trained to resolve custody and visitation disputes.

2. BEST INTERESTS OF THE CHILD

The Mediator is required to use his or her best efforts to help the parties reach an agreement that is in the *best interests of the child*. The *best interests of the child* is based on factors including the health, safety and welfare of the child, and history of abuse by one party, the nature and amount of contact with both parties, and the habitual use of alcohol or illegal drugs by either party.

3. HISTORY OF DOMESTIC VIOLENCE

Whenever there is a *history of domestic violence* between the parties, the mediator is required to meet with the parties separately.

4. REFERRAL TO MEDIATION/ISSUES TO BE DISCUSSED

Referral to mediation requires a *court order* made by a judge. The order may be made either before a court hearing or after. Issues mediated will be *strictly limited* to custody and visitation issues which have been presented to the court.

5. IF YOU REACH AN AGREEMENT

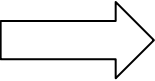


If the parties reach an agreement, the agreement will be put in writing and may be signed by the parties before they leave the meeting. The agreement can be made a court order at the next hearing before a judge.

6. LEGAL TERMS YOU WILL NEED TO UNDERSTAND

- *Joint Legal Custody*: Both parties share the right and the responsibility to make the decisions relating to the health, education and welfare of the child.
- *Sole Legal Custody*: One party has the right and responsibility to make decisions relating to the health, education and welfare of the child.
- *Joint Physical Custody*: Each of the parties has significant periods of physical custody, and the child is assured of frequent and continuing contact with both parties.
- *Sole Physical Custody*: A child resides with and is under the supervision of one party, subject to the power of the court to order visitation.

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Possible Custody Arrangements

1. JOINT LEGAL CUSTODY	JOINT LEGAL CUSTODY: Parties share right/responsibility to make decisions relating to health, education and welfare of child AND 	JOINT PHYSICAL CUSTODY: Parties have significant periods of physical custody; child has frequent and continuing contact with both parties
2.	JOINT LEGAL CUSTODY: Parties share right/responsibility to make decisions relating to health, education and welfare of child AND 	SOLE PHYSICAL CUSTODY TO ONE PARTY: Child resides with and is under supervision of one party, subject to other's visits.
3.	SOLE LEGAL CUSTODY TO ONE PARTY: One party has right/responsibility to make decisions AND 	SOLE PHYSICAL CUSTODY TO ONE PARTY: Child resides with and is under supervision of one party, subject to other's visits.